

1 we're discussing today?

2 A No.

3 Q Mr. Milstein was not part of the group that you
4 met with after you spoke to Mr. Lehmkuhl and prepared your
5 April 26th memorandum?

6 A No.

7 Q You met with Mr. Price and Mr. Edward Milstein to
8 discuss the operation of the unauthorized paths. You recall
9 that meeting, correct?

10 A Yes.

11 Q That was in Mr. Price's office or Mr. Milstein's?

12 A It was at Mr. Price's office.

13 Q Do you recall -- did you take any notes during
14 that meeting?

15 A No.

16 Q Do you recall seeing anybody else taking any notes
17 during the meeting?

18 A I don't recall.

19 Q Referring back to your April 26th memorandum, Time
20 Warner/Cablevision Exhibit 35, do you recall approximately
21 how long it took you to create this memo?

22 A I said the whole thing was a couple of days
23 between when I found out and this memo and April 28th. The
24 whole thing was really two or three days.

25 Q Okay. Well, do you recall how long it took you to

1 create this particular document?

2 A I don't recall.

3 Q Was it -- do you recall whether it was created in
4 one day?

5 A I don't recall.

6 Q Do you recall what sources you referred to create
7 this document? I mean, can you explain the actual process
8 of putting this document together?

9 A I've explained that a number of times. I read
10 that; I talked with Pepper & Corazzini; we talked about a
11 number of letters. And I just explained that to you about
12 an hour and a half ago. And that prompted me to write that
13 letter after the meeting that we had.

14 Q Do you recall --

15 JUDGE SIPPEL: Not the letter, but the memorandum.

16 THE WITNESS: Memorandum.

17 BY MR. HOLT:

18 Q Do you recall a process of going back to your
19 files and pulling information together?

20 A Well, I have to go to the file and pull
21 information together, yes. And also, some of the
22 information was given to me after Mr. Lehmkuhl after we
23 discussed.

24 Q And some of the information came from this
25 document that you received internally.

1 A The document that I received internally just
2 triggered. It wasn't that much of an information. The
3 document that I got I've repeatedly said, it wasn't all the
4 information. It was just a trigger point.

5 MR. HOLT: I'm almost done, Your Honor.

6 BY MR. HOLT:

7 Q You -- I believe during your testimony yesterday,
8 you indicated that you understood it would be wrong to
9 activate a path without FCC authorization. Is that fair?

10 A Yes.

11 Q And you've also testified that you didn't discuss
12 the issue of ceasing operation of the paths that you were
13 operating, and particularly 2727 Palisades Avenue -- that
14 you knew you were operating without FCC authorization. You
15 didn't discuss that issue with anyone at Liberty.

16 A At the time I knew that, everybody else knew it,
17 too.

18 Q But you didn't feel that it was wrong to continue
19 operating that path without FCC authorization?

20 MR. BEGLEITER: Your Honor, this is a candor
21 hearing. Especially, these questions have been asked and
22 answered already. But this is a candor hearing. We've
23 admitted that we made -- that Liberty has made a mistake and
24 should not have activated those paths. We also admitted
25 that we continued to activate them and brought it to the

1 attention of the FCC. What is there -- what is there --
2 what juice is left in this -- in this -- in this apple?

3 JUDGE SIPPEL: I'm inclined to agree with Mr.
4 Begleiter. I think that we've really exhausted this
5 Witness. I mean, unless you have something fresh to put in
6 front of him. He's been around this barn so many times.

7 MR. HOLT: Final series of questions.

8 JUDGE SIPPEL: Yes, I don't mean to -- I mean, I
9 really don't mean to -- to appear to even be -- I'm not
10 belittling your questions or your efforts, Mr. Holt. You
11 know, unfortunately, you just had to go last. And I'm sure
12 that you lined these things up. And had you gone first, it
13 would have been a lot of fresh ground to plow. But that's
14 not the situation here.

15 MR. HOLT: Your Honor, I was merely seeking to
16 test the credibility of the Witness, his assertion that he
17 felt it was wrong to activate these paths and he wouldn't
18 have done it intentionally. But yet when he knew the paths
19 were operating, he didn't raise the issue of ceasing
20 operations with anyone at Liberty. I think that's --

21 MR. BEGLEITER: He testified to that, Your Honor.

22 JUDGE SIPPEL: Well, he's testified to that.
23 That's his -- you're right. He has testified to that.
24 And --

25 MR. HOLT: And I'm simply trying to -- he said

1 that he hadn't raised it with anybody.

2 JUDGE SIPPEL: Well, the object is not to try to
3 get the Witness to change his testimony. The object is to
4 try to get all the facts out. And he's -- he's been -- I
5 say, every one of these subjects he's testified with two or
6 three different people. And this is really not fair to him
7 and it's not getting this job done today. But, again, as I
8 say, I honor your efforts. But I just have to make these
9 arbitrary decisions on my part and go forward. I say that
10 tongue in cheek of course.

11 (A discussion was held off the record.)

12 JUDGE SIPPEL: Back on the record.

13 BY MR. HOLT:

14 Q Mr. Nourain, let me refer you back to Time
15 Warner/Cablevision Exhibit 8, please.

16 A Yes, I still have it in front of me. Go ahead.

17 Q Okay. Again, referring to paragraphs 3 and 4 --
18 actually, specifically 4, did the information provided in
19 that paragraph accurately reflect your understanding of the
20 time table, FCC time table on or about April 20th, 1994, the
21 date that the memorandum was created?

22 A Yes, generally. Yes.

23 Q Did your understanding of that time table change
24 at any time between the date of this memorandum and July of
25 1995?

1 MR. BEGLEITER: July? July 1995?

2 MR. HOLT: July of 1995.

3 JUDGE SIPPEL: Boy, there's really -- there's no
4 relevance to that question that -- I mean, this document
5 speaks as of April 20, 1994. And this certainly shows his
6 frame of mind as of April 20, 1994 with respect to a time
7 table.

8 MR. HOLT: Right. And I'm --

9 JUDGE SIPPEL: Now, he has also testified in terms
10 of a time table that he conjured up I'm sure with applying
11 some logic to it. But he conjured this time table up. And
12 he's testified to that very carefully. That comes off of --
13 that's all tied into COMSEARCH's data. That's what triggers
14 that event. So this -- you know, there's no relationship
15 between the two. There's no -- I mean, you haven't shown --
16 established any relationship between this document on April
17 20, 1994 and what he's testified to.

18 MR. HOLT: Well, Your Honor, what I'm seeking to
19 establish is that he had an understanding about a certain
20 waiting period necessary --

21 JUDGE SIPPEL: He did.

22 MR. HOLT: -- for FCC approval.

23 JUDGE SIPPEL: Yes, he's testified to that. Now,
24 if there's an inconsistency between what he testified to and
25 what you see here, I don't -- you could ask him that. But

1 he's let it be known very clearly what his time table was.
2 And it all hinged off of COMSEARCH in terms of these paths
3 that have run into problems. So the record is -- I mean,
4 for whatever it's worth, he has -- he has established his
5 record on this.

6 MR. HOLT: May I confer one moment with my
7 counsel?

8 JUDGE SIPPEL: Off the record.

9 (A discussion was held off the record.)

10 JUDGE SIPPEL: Back on the record.

11 MR. HOLT: Your Honor, I've conferred with Mr.
12 Beckner to determine whether or not we've received from
13 Liberty copies of the COMSEARCH documents, the triggering
14 documents that Mr. Nourain has referred to as commencing the
15 process and that you've just described. Mr. Beckner recalls
16 that we've received the materials from COMSEARCH --
17 materials relating to applications that were filed in July -
18 - July 24th, 1995, but that we haven't received COMSEARCH's
19 documents with respect to the past four applications that
20 were filed earlier. And I'm wondering if those documents
21 are in Liberty's files; whether we could have copies.

22 MR. BEGLEITER: Your Honor, maybe -- you know,
23 it's been a long two days. But I believe that yesterday on
24 direct examination, I went through a license application.
25 And I asked Mr. Nourain what part of those license -- what

1 part of that license -- of those license applications were
2 prepared by COMSEARCH and what triggered -- and what
3 triggered the license. I believe I did. I don't mind him
4 asking the question again. But that's my understanding, is
5 that what's -- what's in here is what -- I think I should be
6 able to testify.

7 JUDGE SIPPEL: Well, you should.

8 MR. BEGLEITER: But I thought I asked those
9 questions yesterday.

10 JUDGE SIPPEL: Are you looking to tie in -- are
11 you looking to see all the applications with respect to all
12 of the unauthorized -- well, except for the ones that were -
13 - were activated without any applications.

14 MR. HOLT: Right.

15 JUDGE SIPPEL: But as to those that did have
16 applications pending, you want to see -- you want to line up
17 all the applications with all the COMSEARCH data?

18 MR. HOLT: Well, I'd -- what I'd like to see is
19 whatever documents that may be in Liberty's files that
20 reflect the date that Mr. Nourain received data from
21 COMSEARCH. He indicated that his trigger date for
22 activating these things was a certain number of days after
23 he received information from COMSEARCH. I believe that's
24 correct. And --

25 JUDGE SIPPEL: Yes, he did.

1 MR. HOLT: And if there are -- if there are
2 documents in Liberty's files that reflect the transmittal of
3 information from COMSEARCH to Liberty on a certain date, I
4 would like to have that information because that would allow
5 us to calculate when they actually -- how long he waited
6 before they commenced operations.

7 JUDGE SIPPEL: Well, you know that -- that to me
8 seems like a tedious task that is going to do nothing more
9 than just recreate what had transpired to such a minute
10 degree that it isn't -- it's a distinction without a
11 difference.

12 MR. HOLT: Well, Your Honor, the testimony -- I'm
13 sorry.

14 JUDGE SIPPEL: What we want to know is when was
15 there knowledge of the fact that there were -- that there
16 were unauthorized activations.

17 MR. HOLT: Well, I believe also, Your Honor,
18 though the essential issue in this case is the credibility
19 of -- or is whether not Liberty was proceeding with an
20 understanding -- either intentionally proceeding knowing
21 they didn't have authorization or whether the explanation
22 they've provided that he proceeded unknowingly based on this
23 -- you know, after receiving the COMSEARCH information,
24 whether that's truthful or not.

25 MR. BEGLEITER: Judge --

1 MR. HOLT: And it would -- it goes directly to the
2 heart of his testimony and the credibility of that
3 testimony. You know, and I think these documents would help
4 establish the date that he received information from
5 COMSEARCH. And if what he's saying is true, there should be
6 some correlation between that date and the date of the
7 activated service.

8 JUDGE SIPPEL: Well, it will show that he -- he
9 didn't -- his estimate was off. I mean, it was a --

10 MR. HOLT: Well --

11 JUDGE SIPPEL: -- we know that it. There is no --
12 there is no basis in fact for -- I mean he had a basis for
13 logically saying -- or for presuming when things were going
14 to happen.

15 MR. BECKNER: May I be heard on that a second?

16 MR. BEGLEITER: May I be heard, Your Honor?

17 JUDGE SIPPEL: Yes, go ahead.

18 MR. BECKNER: Thank you. Yesterday I took Mr.
19 Nourain through Exhibit 30 which is Appendix A of the HDO
20 which -- which has the dates that licenses were applied for
21 and the date that Liberty began service.

22 JUDGE SIPPEL: Yes.

23 MR. BECKNER: And -- and we established -- for
24 example, I'm just looking at one, 200 East Thirty-second
25 Street -- the license was applied for on March 23rd; service

1 was commenced four days later. Now, I think perhaps even
2 Mr. Begleiter would agree that four days is an unreasonably
3 short amount of time for one to -- you know, to expect the
4 FCC act. Mr. -- and Mr. -- may I finish.

5 Mr. Nourain said in discussing that, well, the
6 Pepper & Corazzini or someone must have delayed filing the
7 application because I told them much earlier than, for
8 example, March 23rd to do the frequency coordination. And
9 that's the date that I had in my mind when I decided that I
10 could turn on the system legally on March 27th.

11 And what Mr. Holt is asking for and what we don't
12 have is -- is the -- what I think is called the PCN that
13 comes back to Mr. Nourain from COMSEARCH which is the
14 double-check of his particular numbers that would establish
15 when it was that he told them. I mean, if he told -- for
16 instance, again, returning to this 200 East Thirty-second,
17 you know, if in fact he got a PCN from COMSEARCH in January
18 of 1995, that would support his story.

19 If he got a PCN from COMSEARCH on March 15 of
20 1995, 12 days before he activated the service, that would
21 not support his story. And that's the significance of the
22 information that we're trying to get.

23 MR. BEGLEITER: Your Honor --

24 MR. BECKNER: And that we don't have.

25 MR. BEGLEITER: -- since May 17th, 1995, the

1 parties have known that Mr. -- Mr. Nourain had assumptions
2 regarding STAs. He was deposed about the issue at length
3 about his assumptions. This issue now has nothing to do
4 with the latter produced documents. They have known about
5 his -- his assumptions for a good long time. If there was
6 an analysis that they wanted made, they could have asked for
7 that kind of analysis at the deposition or after the
8 deposition.

9 I believe that the documents are probably in the -
10 - in the disclosed documents anyway. But whether they are
11 or they're not, it's a little late on this issue for this
12 subject to be brought up. Like I said, they've known about
13 it. They read it from today, from May 17th, 1995 when Mr.
14 Nourain -- when they talked about Mr. Nourain's assumptions.
15 And I believe that they will -- that they will concede that
16 that was a subject of the deposition. Why are we asking for
17 this now?

18 JUDGE SIPPEL: Well, it -- Mr. Weber, do you want
19 to get into this?

20 MR. WEBER: Well, as I recall, there definitely
21 are some COMSEARCH documents in the original production. I
22 can't recall if -- if there is some from every single
23 application there. So, I mean, Mr. Begleiter is correct.
24 Some of this information very well may be already produced.
25 I know Mr. Nourain has testified about this before. And as

1 I recall, I think he was initially testifying more he kind
2 of gauged his time a little bit from even when COMSEARCH
3 first got the information as opposed to also when he got the
4 information back from COMSEARCH because he knew how long
5 COMSEARCH typically took.

6 They had to put it up I think around some type of
7 30 day notice. And then it would just be a few days after
8 that he would get the return from COMSEARCH. So I'm not
9 real sure how helpful this -- this added information would
10 be. I mean, I -- I guess I have to agree with Mr. Beckner
11 that if we got the -- if we compare the thing from COMSEARCH
12 on the return date and find out that Mr. Nourain's testimony
13 about his time frame don't mesh with that in any way, shape
14 or form, there may be some trouble here. But that
15 information may already have been produced.

16 MR. BEGLEITER: And, Your Honor, one thing I've
17 got to say -- I think Mr. Weber will agree with me -- at
18 least two employees from COMSEARCH were deposed and there
19 was -- there was discovery on COMSEARCH. So this was all
20 possible to be done before -- before -- before this
21 afternoon.

22 MR. HOLT: Your Honor, what Mr. Begleiter is not
23 saying is that these documents are irrelevant. What he's
24 saying is that he thinks we had an opportunity to ask for
25 them earlier. The documents are highly relevant or could be

1 highly relevant depending on what they say. And I -- Mr.
2 Nourain's explanation from the various events that have
3 occurred over time have changed. They've been very
4 difficult to follow and they've changed during the course of
5 his testimony.

6 He has now provided you with specific information
7 during live testimony with a specific single explanation for
8 what -- how he was proceeding to activate licenses and what
9 the triggering point was. And I think it's very important
10 that we are allowed to test that by receiving whatever
11 documentation Mr. Begleiter has in his possession that will
12 allow us to do that.

13 JUDGE SIPPEL: Well, you know, you might have a
14 point there in terms of relevancy. You're arguing really
15 relevancy for discovery, not for -- because you don't have
16 any idea whether this information is going to -- is going to
17 support your position. You really don't know. There's
18 never been an analysis made. And it could have been done
19 earlier on. It could have been done with the -- with what's
20 disclosed in -- at least in application forms which are on
21 file. I'm not sure -- is that true with the STA? The STA
22 applications, they don't necessarily reflect the COMSEARCH,
23 but the -- for the license applications.

24 MR. HOLT: But Your Honor --

25 MR. BEGLEITER: But they're part and parcel the

1 same, aren't they?

2 MR. HOLT: I'm sorry.

3 MR. BEGLEITER: The STA application is part of --
4 comes with the license application.

5 MR. HOLT: But, Your Honor --

6 MR. BECKNER: But there were no STAs filed on
7 these applications.

8 MR. BEGLEITER: But the COMSEARCH material was
9 there with the applications.

10 MR. HOLT: But my point is I don't believe that
11 the COMSEARCH information is on file with the Commission.
12 If that were the case, then we could look at the
13 applications and I wouldn't be asking for this information.

14 MR. BEGLEITER: But you can.

15 MR. HOLT: What I'm saying is that COMSEARCH
16 provided this information to Mr. Nourain at some point. It
17 must have sent him this information. He's testified to
18 that. And I'd like to know what the date was that he
19 received the information so that we can figure out, okay,
20 did he get the information on this date and then activate
21 two weeks later, or did he get the information on date and
22 activate a month later.

23 JUDGE SIPPEL: All right. This is speculative and
24 it's more in the nature of discovery than it is cross
25 examination based on his testimony. And that's the rule

1 we're going to use for operating here, although I have
2 allowed a considerable amount of leeway.

3 MR. HOLT: Well --

4 JUDGE SIPPEL: Well, that's my rule. I'm going to
5 deny that request.

6 MR. HOLT: I'd like to note Cablevision's
7 exception to the record, Your Honor.

8 JUDGE SIPPEL: I certainly will. I certainly
9 will. Is there anything else of this Witness?

10 MR. HOLT: I have nothing further, Your Honor.

11 JUDGE SIPPEL: Anything further?

12 MR. BEGLEITER: I would like a short redirect,
13 Your Honor. I'll make it short.

14 JUDGE SIPPEL: Yes, you can. I've got -- I've got
15 a few questions I want to ask.

16 MR. BEGLEITER: Do you want to go before me or
17 after me? I don't mind.

18 JUDGE SIPPEL: Well, you probably -- because you
19 may want to redirect on what I have to say. I don't know.
20 My questions --

21 MR. BEGLEITER: You may also cover the questions
22 that I'm going to ask. And that might eliminate my
23 redirect.

24 JUDGE SIPPEL: Well, I doubt that. But let me --
25 let me just -- I just want to go down one line of

1 questioning here. And what I want -- what I want to focus
2 on is your system; that is, your system for calculating when
3 you -- you felt that you would have -- you had authority to
4 activate the path. And my question is this -- first of all,
5 going back to the first conversation or the series of
6 conversations you had with Mr. Stern when you came to --
7 first came to Liberty. Was that kind of a system discussed
8 with him at all?

9 THE WITNESS: No, I didn't discuss it with him.

10 JUDGE SIPPEL: You didn't discuss it with him? I
11 mean, where did you get this idea to just work off of these
12 numbers?

13 THE WITNESS: It was -- it was a file -- when I
14 came here, it was an application file and also the STA file
15 which was -- was done by -- by them before me, whoever was
16 in charge.

17 JUDGE SIPPEL: Who would that have been, Mr.
18 Stern?

19 THE WITNESS: Stern -- the Stern group, and
20 through Pepper & Corazzini. And I looked at those STAs and
21 applications. And those are the certain dates that it will
22 come within a few days of each other, two weeks, sometimes
23 three weeks. Those are the ones that I looked at that, and
24 also looked at the application file.

25 And when the COMSEARCH was -- the date of the

1 COMSEARCH file. And then I looked at the date of the
2 COMSEARCH data sheet which I reviewed and the application.
3 And it shows that they are -- they are -- sometimes they
4 were not very close together. That triggered me to provide
5 all those signed forms to Pepper & Corazzini, because I
6 wanted them to enclose that date as soon as they could.

7 JUDGE SIPPEL: You're jumping way ahead of me. I
8 want to know -- you testified that you had -- you have --
9 you have calculated this system for counting days from the
10 period of time when you received COMSEARCH data to when you
11 calculated an STA approval would have been granted. Isn't
12 that correct? I mean, that's been your testimony.

13 THE WITNESS: That's correct.

14 JUDGE SIPPEL: I'm trying to ask -- I'm asking you
15 how did that system come about.

16 THE WITNESS: It came about from the -- knowing
17 that the COMSEARCH takes about 30 days on a regular basis.

18 JUDGE SIPPEL: Well, when did you design this?
19 When did you -- I mean, is this something that evolved while
20 you were there or is this something that was given to you
21 from somebody else?

22 THE WITNESS: No, no. It came about while I was
23 there. And seeing the documents were there when I joined
24 the company.

25 JUDGE SIPPEL: So what did you do? Did you take

1 just one situation that the Stern group had worked on as an
2 example --

3 THE WITNESS: That -- that was the first time --

4 JUDGE SIPPEL: -- and you extrapolated from that?

5 THE WITNESS: Yes. That was the first time I knew
6 about something called STA at that time. As I said, special
7 temporary authority for those, I didn't know that. At that
8 time, I knew that there was a form called STA which you
9 could apply for obtain authorization prior to the --
10 providing -- obtaining the license.

11 JUDGE SIPPEL: Right.

12 THE WITNESS: And then I saw those -- there were
13 three things. One was the COMSEARCH which was the technical
14 data sheet. Then was the filing of the application which
15 was done by Pepper & Corazzini. I looked at that
16 application. And I noticed that they are -- there are --
17 other expedited requests was provided to COMSEARCH or
18 COMSEARCH would go into the regular basis for this
19 coordination which would be around 30 days. So that would
20 be about close to 30 days after that technical part of it --
21 application was completed.

22 JUDGE SIPPEL: But this is -- again, my questions
23 go back to when did -- this is a system that you designed,
24 is that right?

25 THE WITNESS: No, no, no.

1 JUDGE SIPPEL: No?

2 THE WITNESS: No, that --

3 JUDGE SIPPEL: That system was there?

4 THE WITNESS: No, the 30 days is there. That's
5 part of the -- that's part of the rule that COMSEARCH takes
6 to send the information out. Either your expedited or if
7 they go out, it takes 30 days for all the users to respond
8 to that. If it's expedited, it could take one week to 12
9 days to respond to that. That is the part that's been done
10 for this application or any other application to my
11 understanding because you need to send the information to
12 make sure all the users, if there are any complaints. I get
13 some from other carriers, too.

14 JUDGE SIPPEL: Yes. But you -- you see, you had
15 never dealt -- until you got to Liberty, you had never dealt
16 with STAs before. That's what you just testified to.

17 THE WITNESS: Well, that's correct. But the
18 portion that I'm talking about is only the technical part.

19 JUDGE SIPPEL: I know it's only the technical
20 part. But I'm saying -- or what -- you call -- you call it
21 the technical part. But what I'm trying to get from you is
22 that who else in Liberty knew about this system that you
23 were using and where did you get the precedent, where did
24 you get -- where did you find something in Liberty -- in the
25 Liberty organization that gave you confidence that you were

1 doing it the right way?

2 THE WITNESS: Well, I -- nothing in Liberty as my
3 discussion with Pepper & Corazzini at some point. I --
4 because when I was at Liberty, they still had a lot of
5 licenses already done. So at the initial time, it wasn't
6 any -- any need for the special temporary authority.

7 JUDGE SIPPEL: But who knew at Liberty -- who knew
8 what you were doing? Did Mr. Ontiveros know what you were
9 doing? Did he?

10 THE WITNESS: As far as -- as far as doing the
11 application?

12 JUDGE SIPPEL: As far as making the assumption
13 when STAs were granted so that you could go out and spend
14 \$25,000.00 of the company's money to activate a path. Did
15 he know what you were doing?

16 THE WITNESS: No. I didn't discuss that with him
17 about STAs.

18 JUDGE SIPPEL: So you were the only one at Liberty
19 that knew that that's the way you were operating? Is that
20 your testimony?

21 THE WITNESS: I was the only one that knew and
22 that was -- yes, after I was discussing that with -- I would
23 get all my information from discussing it with Pepper &
24 Corazzini.

25 JUDGE SIPPEL: But they're an agent. They're

1 not -- they're not part of the management.

2 THE WITNESS: They -- well, to me because in the
3 past I was dealing with a counsel in-house. To me they were
4 the ones that I was referred to deal with the legal matters.

5 JUDGE SIPPEL: Yes, but that's not my -- you're
6 not answering my question. My question is is there anybody
7 in Liberty management that knew what you were doing.
8 Anybody.

9 THE WITNESS: No, I don't think so as far as the
10 timing is concerned.

11 JUDGE SIPPEL: Was there anybody that cared what
12 you were doing?

13 THE WITNESS: Well, at the meetings the question
14 would come out that are the paths authorized; are we getting
15 the FCC licenses. And I would -- I would bring that on
16 the -- on the meetings that whether we're close to it or we
17 need to wait or -- a lot of times I would get the licenses
18 before activating the path. And I would turn it on after I
19 get the license.

20 JUDGE SIPPEL: Well, those are the good ones.

21 THE WITNESS: Yes.

22 JUDGE SIPPEL: What about the ones that weren't so
23 good where you didn't have the license? How did those
24 meetings -- how did those meetings go?

25 THE WITNESS: Those -- we didn't discuss on every

1 meeting the path licensing. If it was -- if it was -- if it
2 was the problem with activating and it wasn't on my -- on my
3 formula so to speak to activate that, then I would tell them
4 that we need more time to activate the path or to turn the
5 system on. And that would be the extent of it.

6 JUDGE SIPPEL: Well, yes, but did -- was there a
7 contract date that was looked to, for example? The date --
8 Mr. Price is big on the marketing section. When you had
9 these meetings, would he be looking at dates that had been
10 contracted with customers to provide this service and be
11 asking you questions and saying, you know, Behrooz, when are
12 we going to have this done?

13 THE WITNESS: We didn't have that much discussion
14 about it.

15 JUDGE SIPPEL: What did you talk about then?

16 THE WITNESS: We talked about mostly some
17 marketing; what the -- what are -- what buildings are the
18 ones that we are -- we are going to sign and also on the
19 technical part of it, where are we standing with the
20 construction.

21 JUDGE SIPPEL: You mean what was coming up down
22 the road.

23 THE WITNESS: That's correct.

24 JUDGE SIPPEL: The ones that were signed up, they
25 weren't as worried about those.

1 THE WITNESS: They were talking about it and they
2 knew. But most of his meetings were the marketing type
3 meetings. And we were there in case he had some question
4 about something to ask.

5 JUDGE SIPPEL: But nobody ever asked you -- with
6 respect now to these -- to these -- to these paths that were
7 prematurely activated, none of these executives ever asked
8 you what -- have you -- have you actually received or when
9 are we going to receive one of these STAs? Nobody ever
10 asked you that question?

11 THE WITNESS: No. The question was that are we --
12 are we okay with the STAs. And I would tell them yes.

13 JUDGE SIPPEL: Just okay. I mean, they wanted --

14 THE WITNESS: Yes, I mean, are we getting the STA.
15 Well, to them --

16 JUDGE SIPPEL: -- they would say okay and you
17 would nod and say okay. But nobody ever asked have we got
18 the license or have we got the STA?

19 THE WITNESS: They would ask that have we -- are
20 we getting the STA for certain paths. And I said that I
21 think we are getting it because --

22 JUDGE SIPPEL: Yes, but nobody ever -- you're
23 still not answering my question.

24 THE WITNESS: No, nobody ever asked me that
25 question.

1 JUDGE SIPPEL: Nobody said do we have the STA.

2 THE WITNESS: No.

3 JUDGE SIPPEL: Or nobody said that when the STA
4 comes in, give me a call and tell me? Nobody ever said
5 that?

6 THE WITNESS: No, that's correct.

7 JUDGE SIPPEL: They just wanted to know if
8 everything was okay.

9 THE WITNESS: That's correct.

10 JUDGE SIPPEL: Okay. That's all I have.

11 MR. BEGLEITER: Okay.

12 REDIRECT EXAMINATION

13 BY MR. BEGLEITER:

14 Q Just for the record, Mr. Nourain, you have -- you
15 have Number 8 in front of you, Time Warner/Cablevision
16 Number 8?

17 A Yes.

18 Q Okay. And where it says number four, can you tell
19 me when the 60 days began and when the 60 days ended?

20 A From the time I started to designing the system
21 until I obtained the authorization to turn the system on.

22 Q Okay. Until you thought you had the authorization
23 to turn the system on.

24 A That's correct.

25 Q Okay. And what did -- what does the word,